

5494. Adulteration of frozen fish. U. S. v. 193 Cartons of a product labeled "dressed Croakers," and 37 boxes of Unlabeled Fish. Default decree of condemnation. Product ordered sold for manufacture into fertilizer, or destroyed. (F. D. C. No. 10525. Sample No. 25668-F.)

On September 1, 1943, the United States attorney for the Northern District of Alabama filed a libel against 193 15-pound cartons of croakers and 37 unlabeled boxes containing about 4,995 pounds of fish at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 29, 1943, from New Orleans, La., for the account of Irvington Fish and Oyster Co., Inc., Irvington, Va.; and charging that it was adulterated in that it consisted in whole or in part of decomposed animal substance.

On October 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be manufactured into fertilizer, or destroyed.

5495. Adulteration of frozen fish. U. S. v. 84 Boxes of Dressed Mullets and 743 Cases of Mullet Fillets. Decrees of condemnation. Portion of product ordered destroyed and remainder ordered released under bond, conditioned that it be made to conform with the law. (F. D. C. Nos. 10168, 10359. Sample Nos. 657-F, 10899-F, 38427-F.)

On July 3 and August 4, 1943, the United States attorneys for the Northern District of Illinois and the Northern District of California filed libels against 84 boxes of dressed mullets at Chicago, Ill., and 743 cases of mullet fillets at San Francisco, Calif., alleging that the articles had been shipped in interstate commerce on or about May 27 and July 7, 1943, from Winnipeg, Manitoba, Canada, by the Viking Fisheries, Ltd.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances.

On September 17, 1943, no claimant having appeared for the lot at Chicago, Ill., judgment of condemnation was entered and the product was ordered destroyed. On October 4, 1943, A. Paladini, Inc., San Francisco, Calif., having appeared as claimant for the lot at San Francisco, Calif., judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be made to conform with the law under the supervision of the Food and Drug Administration.

5496. Adulteration of ocean pout fillets, mullet fillets, and herring. U. S. v. 7 Boxes of Pout Fillets (and 5 additional seizure actions against frozen fish). Decrees of condemnation. Five of the lots ordered destroyed; remaining lot ordered returned to consignor for salvage purposes. (F. D. C. Nos. 10105, 10106, 10160, 10189, 11576, 11618. Sample Nos. 658-F, 1746-F, 1747-F, 41235-F, 41320-F, 49158-F, 67271-F.)

The ocean pout fillets were parasitized and diseased. The mullet fillets were in part decomposed, and the herring were parasitized.

Between June 18, 1943, and January 13, 1944, the United States attorneys for the Northern District of Illinois, the Eastern District of Louisiana, the Northern District of Mississippi, and the Southern District of Ohio filed libels against 7 boxes of pout fillets and 236 boxes of mullet fillets at Chicago, Ill., 468 cartons of ocean pout at New Orleans, La., 693 cartons and 238 boxes of mullet fillets at Camp McCain, Miss., 3 boxes of herring at Cincinnati, Ohio, and 5 boxes of herring at Norwood, Ohio, which had been consigned within the period from on or about June 4, 1943, to January 3, 1944. It was alleged in the libels that the articles had been shipped in interstate commerce from New Bedford, Mass., Chicago, Ill., and Winnipeg, Canada, by the Morris Fisheries, Inc., and that they were adulterated. Portions of the article were labeled in part: "Ocean Pout Fillets * * * Finest Fillet Co. New Bedford, Mass.," or "Mullet * * * Fillets Product of Canada." The remainder of the product was unlabeled.

The ocean pout was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, parasitized and diseased fish, and that it was in whole or in part the product of a diseased animal. The mullet fillets were alleged to be adulterated in that they consisted in whole or in part of decomposed substances. The herring was alleged to be adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of parasitic worms.

On July 12, 1943, the Morris Fisheries, Inc., having appeared as claimant for the lot located at Camp McCain, Miss., judgment of condemnation was entered and the product was ordered released under bond for reshipment to Winnipeg, Canada, for salvage. On July 23, September 17, and October 7, 1943, and January 4, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.